

Application No: 10/501,427

Attorney's Docket No: NL 020021

REMARKS/ARGUMENTS

Claims 2-6 and 8-12 are pending in this application. By this Amendment, claims 2-4, 6, 8-10, and 12 are amended. Claims 1 and 7 are cancelled without prejudice to, or disclaimer of, the subject matter therein. That subject matter is incorporated into claims 3, 4, 6, 9, 10 and 12 by this Amendment. Thus, claims 3, 4, 6, 9, 10 and 12 are rewritten in independent form incorporating all of the limitations of claims 1 and 7, respectively. Claims 5 and 11 depend from claims 4 and 10, respectively. Claims 2 and 8 are amended to depend from claims 3 and 9, respectively.

Entry of the amendments is proper under 37 CFR 1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (because the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

On page 4, the Office Action indicates that claims 3-6 and 9-12 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims. In the Summary of Changes section on page 2, the Office Action indicates that the rejections of claims 1-6 under 35 U.S.C. § 112, 2nd paragraph, have been overcome by the Amendment filed on March 3, 2006. Further, the Office Action does not include a rejection under 35 U.S.C. § 112, 2nd paragraph. Thus, it is believed that

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the reference to 35 U.S.C. § 112 on page 4 of the Office Action is an inadvertent vestige of a similar reference in the Office Action dated September 30, 2005.

Claims 3, 4, 6, 9, 10 and 12 from which claims 3, 5, 8 and 11 depend, respectively, are amended to incorporate the subject matter of claims 1 and 7, respectively, from which they previously directly depended. Thus, it is respectfully submitted that claims 2-6 and 8-12 should be allowed.

On pages 2-4, the Office Action rejects claims 1, 2, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,582,802 to Weekes et al. (hereinafter "Weekes"). This rejection is respectfully traversed.

Claims 1 and 7 are cancelled without prejudice to, or disclaimer of, the subject matter therein. Claims 2 and 8 are allowable based at least on their dependency from claims 3 and 9 for the reasons stated above in connection with the indication that claims 3 and 9 are allowable.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 2, 7 and 8 as being anticipated by Weekes be withdrawn.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the correspondence attorney listed below in order to expeditiously resolve any outstanding issues.

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In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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